

Message Text

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20/43

ACTION EB-11

INFO OCT-01 EA-11 ISO-00 L-03 LOC-01 COME-00 CIAE-00

INR-10 NSAE-00 RSC-01 PRS-01 DRC-01 CU-04 USIA-15

/059 W

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R 200938Z SEP 73

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8130

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C O R R E C T E D C O P Y (PARAS 1. AND 2.)

E.O. 11652: N/A

TAGS: EIND, US, RP

SUBJECT: PHILIPPINE COPYRIGHT DECREES

REF: A. MANILA 10577

B. STATE 183525

C. STATE 147285

D. STATE 165036

1. AS INDICATED REFTEL A, EC/COM COUNSELOR REVIEWED SUBJECT IN DEPTH WITH NEDA DIRECTOR GENERAL SICAT SEPTEMBER 18. SICAT INDICATED GOP STILL DISCUSSING RULES TO BE PROMULGATED TO IMPLEMENT DECREES BUT THAT GOP VERY SERIOUSLY BENT UPON LOWERING THE COSTS OF EDUCATIONAL MATERIALS IN ORDER TO IMPROVE THE QUALITY AND INCREASE THE COVERAGE OF MASS EDUCATION. SICAT SAID GOP RECOGNIZED THE PROBLEMS POSED BY DECREES RESPECTING OWNERSHIP AND DISPOSITION LITERARY PROPERTY, BUT SAID GOP SEEKING A "WORKABLE COMPROMISE" BETWEEN THE RIGHT TO "PROPERTY" AND THE RIGHT TO "KNOWLEDGE".

2. RESPECTING POSSIBLE REGULATIONS TO BE PROMULGATED IMPLEMENTING DECREES 284 AND 285 SICAT MADE FOLLOWING LIMITED OFFICIAL USE

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SPECIFIC POINTS: (A) IMPORTS WILL CONTINUE TO BE

ALLOWED FREE OF DUTY; (B) DECREES INTENDED PROMOTE LOCAL REPRINTING AS EMERGENCY MEASURE WHICH GOP HOPES WILL HELP SOLVE SERIOUS EDUCATIONAL PROBLEM; (C) NATIONAL LAW APPLIES TO ALL WHETHER FILIPINO OR FOREIGN WITHIN PHILIPPINE JURISDICTION; (D) MATERIALS TO BE PRINTED WITH LABEL FOR INTERNAL PHILIPPINE USE ONLY AND STIFF PENALTY TO BE IMPOSED ON EXPORT; (E) GOVERNMENT WANTS U.S. PUBLISHERS TO COME IN AND TO PARTICIPATE BOTH IN REPRINTING AND IN UNDERTAKING PUBLICATION OF NEW EDUCATIONAL MATERIALS.

3. EC/COM COUNSERLOR HANDED IN TALKING POINTS PAPER DRAWING ON REFTEL B AND WENT ON TO INDICATE THAT THERE CONSIDERABLE SYMPATHY AND UNDERSTANDING OF PHILIPPINE WISH TO INCREASE THE AVAILABILITY OF EDUCATIONAL MATERIALS AT LOW INCOME LEVELS, BUT THAT GRANTING AGREEMENT ON THIS POINT, THERE WOULD BE CONTINUING DIFFICULTY WITH FOREIGN OWNERS OF LITERARY PROPERTY RESPECTING EITHER THE PREEMPTIVE ACQUISITION OF SUCH PROPERTY OR THE ARBITRARY ASSIGNMENT OF VALUE TO IT. SICAT SAID HE UNDERSTOOD THIS VERY WELL, ADMITTING THAT THERE WERE GENUINE ELEMENTS OF DILEMMA FOR GOP BUT NOTED THAT GOP DID NOT INTEND TO GIVE UP EITHER PARTICIPATION IN THE BERNE CONVENTION OR RESPECT FOR COPYRIGHT.

4. EC/COM COUNSELOR PROBED FOR DEFINITIONS ASKING SICAT HOW DECISIONS WOULD BE MADE ABOUT SPECIFIC PROPERTIES. SICAT SAID CONSIDERATION WAS BEING GIVEN TO ESTABLISHMENT OF A THRESHOLD PRICE SYSTEM. UNDER THIS SYTEM PRICE CEILINGS IN EFFECT WOULD BE SET, AND MATERIALS OFFERED AT A PRICE BELOW THE CEILING THRESHOLD WOULD BE FREE OF THE IMPLEMENTATION OF THE DECREE. THE IMPLICATION WAS LEFT THAT MATERIALS COULD EITHER BE BELOW THE THRESHOLD IN THE ORIGINAL SETTING THEREOFSWOR THAT PUBLISHERS, THROUGH CUTTING COSTS ON PAPER BINDING, ETC., MIGHT BRING MATERIALS UNDER SUCH A THRESHOLD.

5. COMMENT: EC/COM COUNSERLOR REITERATED IN CLOSING DISCUSSION THAT HE WAS SURE THERE WOULD BE LIMITED OFFICIAL USE

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WIDE RECOGNITION OF THE SOCIAL AND EDUCATIONAL PROBELM THAT GOP WAS ATTEMPTING TO SOLVE, BUT THAT THE APPRAOCH TAKEN WAS A VERY DIFFICULT ONE AND IT WOULD BE IMPORTANT TO CONVEY THAT FLEXIBILITY EXISTED ON PHILIPPINE SIDE, THAT INTEREST LAY MAINLY IN A PROBLEM-SOLVING APPROACH WITH BOOK AND EDUCATIONAL MATERIAL PUBLISHERS. SICAT SAID GOP WOULD WELCOME ANY CONSTRUCTIVE PROPOSALS AS TO WAYS IN WHICH THE

PHILIPPINE REQUIREMENT COULD BE MET. HE LEFT
NO DOUBT THAT A SOLUTION IS A HIGH PHILIPPINE
PRIORITY AND HE EMPHASIZED WILLINGNESS TO LISTEN TO
ANY PROPOSALS WE MIGHT MAKE. WE BELIEVE CALL ON HIM
VERY TIMELY AND WE FEEL SITUATION CAPABLE OF CONSIDERABLE
IMPROVEMENT IF WE ABLE TO ADVANCE OR SUPPORT
PROMPT CONSTRUCTIVE SUGGESTIONS.
SULLIVAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 20 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973MANILA10763
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730922/aaaaaprij.tel
Line Count: 123
Locator: TEXT ON-LINE
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: A. MANILA 10577
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 04 DEC 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04-Dec-2001 by kelleyw0>; APPROVED <21-Dec-2001 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PHILIPPINE COPYRIGHT DECREES
TAGS: EIND, US, RP
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005